

REMARKS

Applicants have provisionally elected, for search and examination purposes only, the specie of Nylon 611/dimeticone copolymer. However, the election of species requirement is traversed.

The reason underlying the designation by the Office of the different copolymers as being patentably distinct is not explained in sufficient detail or by example, and as such represents only a conclusion, particularly in view of the fact that the identified species are related by operation and/or effect. Accordingly, division of each of these species is unsupported and improper. See, MPEP §§ 802.01 and 806.04 (b).

Moreover, for an Election of Species requirement to be proper, a burden must be placed on the Office in examining all species. Applicants respectfully submit that no such burden exists in this case.

Applicants respectfully submit that even assuming for the purposes of argument that the copolymers are materially different from each other, the search for all such copolymers would occur in the same classes/subclasses. Thus, no burden would be placed on the Office in searching and/or examining all claims together. Accordingly, the Election of Species Requirement is traversed.

Application No. 10/733,467
Response to Restriction Requirement

Applicants respectfully submit that the above-identified application is now in
condition for examination on the merits.

Respectfully submitted,

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